

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1127 of 2023

Petitioner :- Sakarulnisha

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Lko. And 19 Others

Counsel for Petitioner :- Shubham Gupta, Suresh Kumar Singh

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Alok Mathur, J.

1. Heard Sri Shubham Gupta, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 5.

2. By means of the present writ petition, it has been submitted that private respondents have illegally encroached upon the public utility land situated at Gata No. 92/1.192 hectare in village Meharbanab Bad, Tahsil Karnailganj, Pargana and District Gonda is illegally encroached by private respondents which recorded as Khalihan in the revenue records.

3. It has been submitted that proceedings under Section 67 of Revenue Code, 2006 were initiated against the said encroachers and orders for eviction have been passed on 15.07.2020 and 25.03.2022. Despite the orders for eviction have been passed, the allegation are that they are still in possession of the said land.

4. Learned Standing on the basis of the instructions has submitted that certain encroaches have filed an appeal against the order dated 25.03.2022 and 15.07.2020 which are still pending consideration. It is stated that even the persons against whom the said orders have become final have not been encroached.

5. Considering the instructions received by learned Standing Counsel, the writ petition is disposed of with a direction to the appellate authority to decide the pending appeals expeditiously, say within a period of three months from the date a certified copy of this order is produced before him and further that against the persons against whom the orders of eviction dated 15.07.2020 and 25.03.2022 have become final, action shall be taken under Chapter 5 of the Revenue Code manual for execution of the said order with expeditious.

6. Learned Standing Counsel as well as learned counsel for petitioner shall place this order before appropriate authority for compliance.

7. Accordingly, writ petition is disposed of in the aforesaid terms.

(Alok Mathur, J.)

Order Date :- 14.12.2023

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